IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 17938 of 2004

Between:

1 Medisetti Krishnamma, S/o Late Pothuraju,
Konam Village, Cheedikada Mandal, Visakhapatnam District
2 Smt.Mandala Jayamma, W/o Tata Babu,
Konam Village, Cheedikada Mandal, Visakhapatnam District
3 Singampalli Chandra Rao, S/o late Pydinaidu,
Konam Village, Cheedikada Mandal, Visakhapatnam District

..... PETITIONERS

AND

1 Mandal Revenue Officer, Cheedikada mandal, Visakhapatnam District
2 The District Collector, Visakhapatnam

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction in the nature of Mandamus declaring the action of the first respondent in trying to high-handedly evict the petitioners from their shops situated in Sy.No.154 belonging to exclusively to Konam Gram Panchayat, Konam (P.O.) Cheedikada Mandal, Visakhapatnam District as being illegal, unjust, arbitrary and violative of Articles 14 and 21 of Constitution of India.

Counsel for the Petitioner:MR.E.V.BHAGIRATHA RAO

Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue. Both the learned counsel have expressed no objection to dispose of the writ petition finally. Hence, the writ petition is taken up for final disposal at the stage of admission.

Petitioners 1 to 3 claim to be running Tea, Pan and Coffee shops, respectively, for over 20 years in Sy.No.154, situated in Konam Gram Panchayat, and are eking out their livelihood from the said business. It is their case that the said survey number is the waste land and vested with Konam Grampanchayat exclusively under Section 53 of the A.P. Grampanchayat Raj Act, 1994 (for short "the Act"), and not excluded under Sub-Section (2) of the Section 53 of the Act. They are also paying professional tax for over several years. They made a representation on 20-09-2004 to the 2nd respondent, stating that their occupation is not objectionable and no steps be taken to evict them without the knowledge of Konam Gram Panchayat. The grievance of the petitioners is that the respondents without following the due process of law are trying to evict them from the subject land. Hence, this writ petition.

In the circumstances, the writ petition is disposed of, directing the respondents not to evict the petitioners from the subject land, without putting the petitioners on notice, and without following the due process of law, under the provisions of the Land Encroachment Act, or under Act of any enactment made thereunder. No order as to costs.

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A.GOPAL REDDY,J

Dated:05-10-2004

GJ

To

1 The Mandal Revenue Officer, Cheedikada mandal, Visakhapatnam District
2 The District Collector, Visakhapatnam

3. Two C.Cs. to the Government Pleader for Revenue, High Court of A.P., Hyderabad.(OUT)

4. Two C.D. copies.